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LETTERS TO THE EDITOR

A Reply From Sen. Moynihan

William F. Buckley Jr. ["The Damage at the World Court," op-ed, Dec. 28] cited a letter I sent him concerning our response to Nicaragua's complaint against us in the World Court. I don't think he captured the spirit of the letter.

In a commencement address given at the Syracuse University Law School last May, I expressed some dismay at an argument advanced by Allan Gerson of the U.S. Mission to the United Nations that under the charter the court has no jurisdiction over cases involving national security.

The United States formally presented this argument to the court. It seemed to me this was an abysmal reading of the charter, and that we would surely lose. The National Review took me severely to task. But the court ruled exactly as I had expected, as anyone ought to have expected. And so on Nov. 30, I wrote the following letter to Mr. Buckley:

"A unanimous court, including the American judge, has now dismissed Mr. Gerson's argument.

"One of the lawyers working for our government on the case remarks that this was the worst setback in an international tribunal in the history of the United States.

"I continue to be puzzled by National Review's argument. Surely our country has been hurt by all this. All I ever tried to do was to point out how near to inevitable this outcome was going to be. A lawyer's job is to win cases for his client. Ours lost.

"My argument was that we would surely lose on the question of jurisdiction, and that it would be far better to welcome the opportunity to meet Nicaragua in court to discuss what has been going on in Central America and to ask El Salvador to join us. That is still an option. . . ."

DANIEL P. MOYNIHAN
U.S. Senator (D-N.Y.)
Washington

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